

Remarks:

Prior to the Restriction Requirement dated February 15, 2005, claims 1-68 remained pending in the present application. The Examiner has indicated, however, that the application includes claims directed to three patentably distinct species. The Examiner thus requires election of a single disclosed species for prosecution on the merits.

In characterizing these species, the Examiner paraphrases applicants various independent claims. No indication of the Examiner's reasoning is provided, and there is no indication of any serious burden on the Examiner. The Examiner also does not indicate which of applicants' claims the Examiner believes should be considered with each species, but rather, leaves that determination to applicants.

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) the inventions must be independent or distinct as claimed; and (B) there must be a serious burden on the Examiner if restriction is required (See MPEP § 803). As noted above, the Examiner has not indicated that a serious burden would exist if the various indicated inventions were to be considered in a single application.

Furthermore, 37 CFR 1.141 provides that a reasonable number of species may still be claimed in one application. "Claims to be restricted to different species must recite the mutually exclusive characteristics of such species" (See MPEP § 806.04(f)). In the present application, the claimed characteristics are not mutually exclusive. In fact, claim 5, which depends from claim 1 (referenced in the Examiner's characterization of Species I), specifically recites subject matter corresponding to claim 21 (referenced in the Examiner's characterization of Species

Page 2 - RESPONSE TO RESTRICTION REQUIREMENT ...
Serial No. 10/613,797
HP Docket No. 10017176-1
KH Docket No. HPCC 391

II). Similar overlap of dependent claims may be found with respect to other of applicants independent claims. The restriction requirement thus should be withdrawn.

Nevertheless, in view of the Examiner's restriction requirement, applicants have elected Species I. Applicants respectfully assert that at least claims 1-61 are appropriate for examination with Species I. Accordingly, claims 62-68 are withdrawn, with traverse, until and unless the present restriction requirement is withdrawn or a generic claim is allowed.

If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

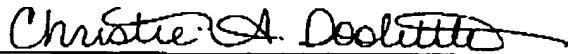
KOLISCH HARTWELL, P.C.



Walter W. Karnstein
Registration No. 35,565
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679
Attorney for Applicants

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner L. Liang, Group Art Unit 2853, Assistant Commissioner for Patents, at facsimile number (703) 872-9306 on March 15, 2005.



Christie A. Doolittle

Page 3 - RESPONSE TO RESTRICTION REQUIREMENT ...
Serial No. 10/613,797
HP Docket No. 10017176-1
KH Docket No. HPCC 391